

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAIME D. SIERRA,)	
)	
Plaintiff,)	
)	
v.)	1:13CV29
)	
SAMI HASSAN, MD, et al.,)	
)	
Defendants.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 17, 2014, was served on the parties in this action. (Docs. 25, 26.) Plaintiff filed timely objections (Doc. 27) to the Recommendation, and Defendant Billie S. Martin, R.N., B.S.N. filed a response (Doc. 28).

The court has reviewed the Plaintiff's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 25), which is affirmed and adopted.¹

IT IS THEREFORE ORDERED that Defendant Sami Hassan's Motion to Dismiss (Doc. 9) is GRANTED, that Defendant Billie S. Martin's Motion

¹ The North Carolina Attorney General seems to still rely on the "no set of facts" standard for a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). (See Doc. 19 at 3, Doc. 28 at 3.) That standard was expressly rejected in Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 562-63 (2007), in favor of the "plausibility" standard. Insofar as this error has appeared in more than one case handled by the Attorney General, counsel should inform the staff at the Attorney General's office.

to Dismiss (Doc. 18) is GRANTED, and that this action is DISMISSED
WITH PREJUDICE.

 /s/ Thomas D. Schroeder
United States District Judge

March 12, 2014